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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/522,189	01/24/2005	Steven T. Fink	264492US6YA PCT	1491
22850 7590 07/14/2008 OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C. 1940 DUKE STREET ALEXANDRIA, VA 22314				
EXAMINER				
ABOAGYE, MICHAEL				
ART UNIT		PAPER NUMBER		
1793				
NOTIFICATION DATE		DELIVERY MODE		
07/14/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/522,189

Applicant(s)

FINK, STEVEN T.

Examiner

MICHAEL ABOAGYE

Art Unit

1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) 28-33 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-27 is/are rejected.
7) ☒ Claim(s) 21-27 is/are objected to.
8) ☒ Claim(s) 1-33 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 01/24/2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date 1/24/05
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I (claims 1-27) in the reply filed on 04/11/2008 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Objections

2. Claims 21-27 are objected to because of the following informalities: At the beginning of claims 21-27, replace either "An improved" or "The improved" with "A" in the respective claims. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-4, 8-17 and 21-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Koshimizu (US Patent No. 5290383).

Koshimizu teaches a plasma process chamber comprising: a viewing window (11 and 514, figures 1 and 26) coupled to a process chamber (1 and 406, figure 1 and 26), said viewing window permits optical access to the process chamber; a mounting to

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couple the viewing window to the process chamber; and a viewing window cleaning apparatus; said cleaning apparatus comprising an RF source and an inductive coil serving as plasma source (see, the items 508, 512, 514 and 510 of figure 26 and also column 41, lines 1-27). Regarding the matching impedance recited in claim 3, it is noted that the electrical circuitry provided for the apparatus would necessarily be configured to match the electrical load capacity required for assembly and a plasma generation. Koshimizu also teaches gas injecting system configured to provide at least plasma generation gases (CF_2 , CF_4 or CF-base gases), (see, gas inlet and outlet: 1a and 1b, figure 1; or 209 and 210 figure 16, column 2, lines 14-23, column 8, lines 29-53, and column 24, lines 25-42); wherein said gas injected generates and maintains pressure in the process chamber. Koshimizu further teaches at least an electromagnet provided or (605, figure 27) coupled to the process chamber assembly. Koshimizu also teaches preventing the reaction product from adhering to the window 428 during the plasma etching, the window 428 remains clean enough to allow the passage of a sufficient amount of light to the focusing lens 440 (see, column 40, lines 56-63). (The examiner interprets this teaching of Koshimizu to meet the claim limitations 9, 11 and 13, since the limitations recited in these claim basically means preventing by products from adhering to the viewing window).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7, 18-20 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koshimizu (US Patent No. 5290383) as applied to claim 1 above and further in view of Masuda et al. (US Patent No. 6,503,364).

Koshimizu teaches coupling an electromagnet to the process chamber but fail to teach an array of electromagnets.

Masuda et al. discloses an apparatus comprising a viewing window having a mounting couple to it and further comprising an array of magnets (101A and 101A', figure 2) for suppressing adhesion of deposits onto the window (see Masuda et al., figs. 1-3 and column 8, lines 13-33).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Koshimizu to using an array of magnets to enable effective suppression of by-product adhesion or deposition on the viewing the window (see Masuda et al., column 7, lines 10-40 and column 8, lines 13-33).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Chan (US 6632324), Jeng et al. (US 6451161) and Chen et al. (Pub. No. US 2002/0121345) are also cited in PTO-892.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL ABOAGYE whose telephone number is (571)272-8165. The examiner can normally be reached on Mon - Fri 8:30am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jessica Ward can be reached on 571-272-1223. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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